

## **Durable Medical Equipment Face-to-Face Encounter Requirement, Affordable Care Act (ACA) Provision Fact Sheet**

***MaineCare will propose policy to require a face-to-face encounter before allowing reimbursement for Durable Medical Equipment.***

### **Per the Affordable Care Act...**

#### **What is a face-to-face encounter?**

It is a mandatory encounter (either an office visit or an encounter through a telehealth system as defined below) between the member and the prescribing practitioner. It applies to Durable Medical Equipment (DME), but not to supplies.

#### **Who must provide a face-to-face encounter?**

The prescribing physician, physician assistant, nurse practitioner or clinical nurse specialist

#### **When does a face-to-face encounter need to take place?**

Within six months preceding a written order for DME.

#### **Why is this required?**

This requirement has become effective on January 1, 2011, as a provision of the Health Care Reform Bill (Affordable Care Act. § 6407<sup>1</sup>).

#### **Will it be included in the MaineCare Benefits Manual, Section 60-Durable Medical Equipment and Supplies policy?**

Yes, MaineCare is proposing a change to policy which will follow the federal definitions. They are:

**Face-to-face encounter** is a mandatory encounter (including encounters through a telehealth system) between the member and his/her physician, physician assistant, nurse Practitioner or clinical nurse specialist that takes place six (6) months preceding a written order for durable medical equipment is given.

**Telehealth** is an interactive communication where medical information is exchanged from one site to another via electronic communications to improve a patient's health. In order to be considered telehealth the communication must include: audio and video equipment permitting two-way, real time interactive communication between the patient, and the physician or

<sup>1</sup> [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3590eas.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3590eas.txt.pdf)

practitioner at the distant site. The use of telephone calls, emails, images transmitted via facsimile machines and text messages without visualization of the patient are not considered interactive communication.

*\*\*Notwithstanding, Telehealth as it is included in Chapter 1 of the MaineCare Benefits Manual.*

**Currently, Centers for Medicare & Medicaid Services (CMS) has not published any federal regulations surrounding the implementation or requirements of this provision other than the definition included in the Affordable Care Act (ACA).**

*Created by: Amy MacMillan, Comprehensive Health Planner II, MaineCare Services*

*June 6, 2011*